

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, July 24, 2012, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman John Clark

Alderman Michael McIntire

Vice Mayor Tom C. Parham

Alderman Tom Segelhorst

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Former Sullivan County Commissioner, Joe Herron.
- II.B. **INVOCATION:** By Ray Amos, Jr., Pastor – St. Matthew United Methodist Church.
- III. **ROLL CALL:** By City Recorder Demming. Absent: Alderman Valerie Joh.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
1. Commissioner Joe Herron – Mayor Phillips and Sullivan County Mayor Steve Godsey recognized Mr. Herron's service as a county commissioner as well as his work with the Sullivan County – Bluff City – Kingsport Animal Shelter in light of his retirement from the county commission.

V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/Segelhorst, to approve minutes for the following meetings:

A. July 9, 2012 Regular Work Session

B. July 10, 2012 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Childress Ferry Annexation and Consideration of a Resolution Adopting the Plan of Services** (AF: 215-2012). City Planner Ken Weems gave a brief presentation on this item, noting it was at the property owner's request.

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PUBLIC COMMENT ON ITEM VI.AA.1. None.

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 7TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE CHILDRESS FERRY ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG CHILDRESS FERRY ROAD TO A-1, AGRICULTURAL DISTRICT, IN THE 7TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Clark, to pass:

Resolution No. 2013-012, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE CHILDRESS FERRY ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of a Budget Ordinance to Appropriate Grant Funds Approved by the Department of Justice, Justice Assistance Grant Program (JAG) (AF: 226-2012). City Manager Campbell noted this grant would purchase five in-car cameras for the police department.

Motion/Second: Segelhorst/McIntire, to pass:

AN ORDINANCE TO AMEND THE JUSTICE ASSISTANCE GRANT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

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2. Consideration of an Ordinance to Appropriate Visitor Enhancement Program Funds to the Meadowview Winery Project (AF: 228-2012). City Manger Campbell pointed out these funds would allow the finishing touches for the wine cellar room.

Motion/Second: Parham/Clark, to pass:

AN ORDINANCE TO AMEND THE MEADOWVIEW PROJECT FUND BUDGET BY TRANSFERRING ADDITIONAL FUNDS FROM THE VISITORS ENHANCEMENT FUND OPERATING BUDGET TO FUND THE MEADOWVIEW WINERY PROJECT FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

3. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Tennessee Arts Commission (AF: 230-2012).

Motion/Second: Segelhorst/Clark, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE TENNESSEE ARTS COMMISSION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. NONE.

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Mayor to Sign a Document for Approval for Northeast State Community College to Sublease Room KC304 of the Kingsport Center for Higher Education to Lincoln Memorial University for Purposes of Operations Related to Their Course Offerings in the Facility (AF: 222-2012). City Manager Campbell explained this faculty office space would now be used for the nurse practitioner program.

Motion/Second: Parham/McIntire, to pass:

Resolution No. 2013-013, A RESOLUTION APPROVING AN AGREEMENT BETWEEN NORTHEAST STATE COMMUNITY COLLEGE AND LINCOLN MEMORIAL UNIVERSITY TO SUBLEASE ROOM KC304 OF THE KINGSFORT CENTER FOR HIGHER EDUCATION TO LINCOLN MEMORIAL AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL APPLICABLE DOCUMENTS TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

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2. Consideration of a Resolution for the City Recorder to Reconcile and Adjust Uncollectible Public Utility Property Tax for the Tax Year 2001 (AF: 229-2012). Vice-Mayor Parham pointed out the rate of delinquency is less than one percent and commented favorable on Kingsport's process.

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2013-014, A RESOLUTION AUTHORIZING THE CITY RECORDER TO RECONCILE AND ADJUST DELINQUENT PUBLIC UTILITY PROPERTY TAX RECEIVABLES IN FISCAL YEAR 2012 FOR THE TAX YEAR 2001; AND AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY RECORDER TO EXECUTE ANY PLEADINGS NECESSARY AND PROPER FOR THE DELINQUENT TAX COLLECTION LAWSUIT

Passed: All present voting "aye."

3. Consideration of a Resolution Accepting a Contract with the Tennessee Department of Transportation for Federal and State Transportation Planning Funds on Behalf of the Kingsport MPO and Allowing the Mayor to Sign All Related Documents (AF: 206-2012).

Motion/Second: McIntire/Shupe, to pass:

Resolution No. 2013-015, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT CONTRACT BETWEEN THE CITY OF KINGSFORT AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL TRANSIT ADMINISTRATION SECTION 5303 PLANNING FUNDS FOR USE BY THE KINGSFORT AREA METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION

Passed: All present voting "aye."

4. Consideration of a Resolution Authorizing the Purchase of 800MHz Radios for Public Works Crews to Replace Current Radio System Due to Narrowbanding Requirements of the FCC (AF: 227-2012). City Manager Campbell noted the bands that are currently being used will be outlawed by December 31st. He further stated this new system would conform and modernize to the current standards.

Motion/Second: Segelhorst/Shupe, to pass:

Resolution No. 2013-016, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER TO MOTOROLA FOR 800MHZ RADIOS FOR PUBLIC WORKS

Passed: All present voting "aye."

5. Consideration of a Resolution Approving a Takeover Agreement with Companion Property & Casualty Insurance Company and Authorizing the Mayor to Execute the Agreement (AF: 236-2012). City Manager Campbell stated this approved the payment to fix the Netherland Inn Roundabout. Vice-Mayor Parham commented we should not publicize any dates until we know for sure.

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Motion/Second: McIntire/Shupe, to pass:

Resolution No. 2013-017, A RESOLUTION APPROVING A TAKEOVER AGREEMENT WITH COMPANION PROPERTY & CASUALTY INSURANCE COMPANY, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

6. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary and Proper to Apply for and Receive Touring Arts Grants from the Tennessee Arts Commission (AF: 231-2012).

Motion/Second: Clark/Segelhorst, to pass:

Resolution No. 2013-018, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TOURING ARTS GRANT FROM THE TENNESSEE ARTS COMMISSION

Passed: All present voting "aye."

7. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary and Proper to Apply for and Receive Arts Builds Communities Grant from the Tennessee Arts Commission (AF: 232-2012). City Manager Campbell stated this was a \$2,000 grant to help promote the carousel.

Motion/Second: Parham/Clark, to pass:

Resolution No. 2013-019, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE AN ARTS BUILDS COMMUNITIES GRANT FROM THE TENNESSEE ARTS COMMISSION FOR THE CAROUSEL PROJECT

Passed: All present voting "aye."

8. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary and Proper to Apply for and Receive Arts Works Grant from the National Endowment for the Arts (AF: 233-2012). City Manager Campbell stated this grant was not always available and would be used in conjunction with the Aquatic Center. Alderman Clark commented, noting the City does a nice job with these grants.

Motion/Second: Clark/Parham, to pass:

Resolution No. 2013-020, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE AN ARTS WORK GRANT FROM THE NATIONAL ENDOWMENT FOR THE ARTS

Passed: All present voting "aye."

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9. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary and Proper to Apply for and Receive Innovation Grant from the Americans for the Arts (AF: 234-2012).

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2013-021, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE AN INNOVATION GRANT FROM THE AMERICANS FOR THE ARTS

Passed: All present voting "aye."

10. Consideration of a Resolution Authorizing the Mayor to Sign a Contract with the Tennessee Department of Transportation Accepting a Federal Enhancement Grant for Extension of the Greenbelt (Rotherwood Section) (AF: 224-2012). City Manager Campbell provided details on this item, noting the Governor of Tennessee made a trip to Kingsport regarding this grant because it is the largest one ever received of this nature, providing a bridge to connect the greenbelt. Alderman Segelhorst pointed out this will take the greenbelt into Hawkins County. Vice-Mayor Parham noted this has been a four year effort by City staff.

Motion/Second: Parham/McIntire, to pass:

Resolution No. 2013-022, A RESOLUTION APPROVING RECEIPT OF A GRANT AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE A FEDERAL ENHANCEMENT GRANT ADMINISTERED THROUGH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR EXTENSION OF THE GREENBELT

Passed: All present voting "aye."

11. Consideration of a Resolution Awarding the Bid for Sullivan Street Improvements Phase I and Authorize the Mayor to Sign All Applicable Documents (AF: 235-2012). City Manager Campbell gave information on this item. He stated three lanes would be built with an eight foot mobility path on one side and a sidewalk on the other. Mr. Campbell further stated that both concrete and asphalt were evaluated, noting that staff is recommending the use of concrete.

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2013-023, A RESOLUTION AWARDED THE BID FOR SULLIVAN STREET IMPROVEMENTS PHASE I TO THOMAS CONSTRUCTION AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS. None.

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VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Parham/Segelhorst, to adopt:

1. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Donations (AF: 213-2012).

Adopt:

Ordinance No. 6229, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM ENGAGE KINGSPORT FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

2. Consideration of an Ordinance Suspending the Full Reading of Pre-Filed Ordinances (AF: 217-2012).

Adopt:

Ordinance No. 6230, AN ORDINANCE PROVIDING FOR SUSPENSION OF THE FULL READING OF ALL PRE-FILED ORDINANCES PURSUANT TO ARTICLE IV, SECTION 2 OF THE CHARTER OF THE CITY OF KINGSPORT

Passed on second reading in a roll call vote: Clark, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

3. Consideration of an Ordinance to Amend the Code of Ordinances, Section 62-123 Relating to Waste and Garbage Disposal in Mobile Home Parks and Section 90-1 Relating to the Definitions of the Terms "Nonresidential Producer" and "Residential Producer" (AF: 205-2012).

Adopt:

Ordinance No. 6231, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 62-123 RELATING TO WASTE AND GARBAGE DISPOSAL IN MOBILE HOME PARKS; SECTION 90-1 RELATING TO THE DEFINITIONS OF THE TERMS "NONRESIDENTIAL PRODUCER" AND "RESIDENTIAL PRODUCER"; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

4. Consideration of an Ordinance Transferring Funds to Various Projects for End of Year Clean Up (AF: 170-2012).

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Adopt:

Ordinance No. 6232, AN ORDINANCE TO AMEND VARIOUS PROJECTS FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Campbell stated the Funfest committee did a good job and thanked all employees who helped out, especially police, fire and public works. He also noted some additional assistance was received from the Bristol Police Department in return for our help during race weekends.

B. MAYOR AND BOARD MEMBERS. Alderman McIntire thanked the city employees and volunteers who helped with Funfest as well as everyone who attended.

Alderman Segelhorst additionally thanked the sponsors of Funfest and wished Alderman Shupe a happy birthday this Friday. Mr. Segelhorst also reminded everyone that school would be starting soon and to drive safely and watch out for children.

Alderman Clark commented on Funfest and commended the efforts of the Chamber of Commerce.

Vice-Mayor Parham stated he believed there was record attendance at Funfest, in spite of the bad weather. He also congratulated Joe Herron and his family, noting it was a pleasure to work with him on the SBK (Sullivan County/Bluff City/Kingsport Animal Shelter) committee.

Mayor Phillips stated Funfest was a great event. He pointed out the highlight was probably the rained out Christian concert on Thursday night that was moved inside to the gym, noting he has heard many favorable comments.

C. RECORDER, JAMES DEMMING.

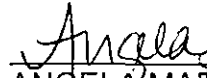
Mr. Demming provided a copy of the following to each Board member:

1. Acknowledgement of report on debt obligation for the issuance of \$3,110,000 General Obligation Bonds, Series 2012A; \$9,970,000 General Obligation Refunding Bonds, Series 2012B; and \$9,305,000 General Obligation Public Improvement Bonds, Series 2012C sold in June, 2012.
2. Submission of Letters of Approval from the State of Tennessee for Issuance of Inter-Fund Loan Capital Outlay Notes.

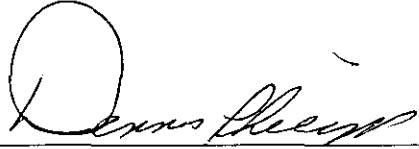
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D. VISITORS. Ms. Barbara Brown commented favorably on Mr. Joe Herron. She also asked the Board to consider operating one additional swimming pool in addition to the Aquatic Center.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:40 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor